

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing Regarding Weed Abatement Proceedings Involving Three

Parcels Within the City of Lodi to Allow Property Owners Having

Objections to the Proposed Removal of Weeds to Be Heard and Given Due

Consideration

MEETING DATE: September 15, 1993

PREPARED BY: City Clerk

RECOMMENDED ACTION: That following the public hearing and receipt of public

testimony, the Council adopt the attached resolution 93-118
Resolution Overruling Objections and Proceeding with Abatement

(see Exhibit A attached).

BACKGROUND INFORMATION: At the City Council meeting of September 1, 1993 the Lodi

City Council adopted Resolution No. 93-109 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement

Proceedings On Various Parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt, was published, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and the Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the attached resolution - Resolution Overruling Objections and Proceeding with Abatement (see Exhibit A attached).

FUNDING: None required.

Jennifer M. Perrin

City Clerk

WEEDS#02/TXTA.02J/WEEDS

C



RESOLUTION NO. 93-118

RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH ABATEMENT BEFORE THE CITY COUNCIL OF THE CITY OF LODI IN THE MATTER OF WEED ABATEMENT PROCEEDINGS

Overruling Objections and Determining to Proceed with Abatement

RESOLUTION NO. 93-118

The City Council adopted Resolution No. 93-109 on September 1, 1993, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on September 15, 1993 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

- (1) On September 1, 1993, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the city and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city, all as more particularly described in Resolution No. 93-109, adopted September 1, 1993.
- 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law cause copies of the notice to be conspicuously posted on or in front of the property where the nuisance exists; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 93-109 in the time, form and manner prescribed by law.
- (3) The City Council did hold a public hearing on September 15, 1993, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on September 15, 1993.

- (4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 93-109 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.
- (5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code section 39574.

Adopted by the City Council of the City of. Lodi on September 15, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Attest:

JENNIFER M. PERRIN City Clerk

DECLARATION OF POSTING

On September 8, 1993, in the City of Lodi, San Joaquin County, California, I, Michael Tecklenburg, Fire Fighter of the City of Lodi, served a copy of the attached notice by posting a copy upon all premises listed in Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 8, 1993, at Lodi, 1991 ifornia.

Michael Tecklenburg Fire Fighter

/1h

c: City Clerk Fire Marshal

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191 1-79.0	E DARRELL & JR WOLTKAMP 25821 N JACKTONE RD GALT CA 95632	A.P.N.: 049-190-27 66 COMMERCE STREET
196 1-87.0	FWS CONSTRUCTION PTP PO BOX 588 LOCKEFORD CA 95237	A.P.N.: 049-190-35 89 GUILD AVENUE
327 2-4.0	RICHARD LOZANO PO BOX 824 PALO ALTO CA 94302-824	A.P.N.: 047-210-26 610 S WASHINGTON ST

NOTICE TO

DESTROY AND REMOVE

WEEDS, RUBBISH, REFUSE

Public	Hearing	set	for	r S		SEP	1.5	1693	
					Date				_

On Order of The City of Lodi Fire Department

Under authorization of Title 4 Government Code Sec 39501

Parcel Number	Lot Number
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DECLARATION OF MAILING

On September 3, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 1993, at Lodi, California.

ennifer M. Perrin

City Clerk

Peggy Nicolini Deputy City Clerk

DEC#01/TXTA.FRM

Date: September 15, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing Please Contact:

Jennifer M. Perrin City Clerk Telephone: 333-6702

NOTICE OF PUBLIC HEARING

September 15, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

 Resolution declaring weeds a public nuisance and initiating abatement proceedings on three parcels within the City of Lodi

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Jennifer M. Perrin

City Clerk

Dated: September 1, 1993

Approved as to form:

Bobby W. McNatt City Attorney

CITY OF LODI 221 WEST PINE STREET LODI. CALIFORNIA 95240

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

E DARRELL & J R WOLTKAMP 25821 N JACKTONE RD GALT CA 95632

Dear Property Owner:

RE: 66 COMMERCE STREET, LODI PARCEL #049-190-27

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, reluse an dirt are removed and vill constitute a lien upon such land until paid Reference is hereby made to the resolution for further particulars. copy of said resolution is on file in the office of the City Clerk. 221 West Pine Street, Lodi, California.

As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed remova of the weeds, rubbish, refuse and dirt are hereby notified to attend meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993

rack In Romskom Street Superintendent Qirector of Public Works City of Lodi

By Order of the Lodi City Council

Jennifer M. Perrin City Clark

CITY OF LODI 221 WEST PINE STREET LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

FWS CONSTRUCTION PTP PO BOX 588 LUCKEFORD CA 95237

Dear Property Owner:

RE: 89 GUILD AVENUE, LODI PARCEL #049-190-35

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993

Jack L. Ronsko

treet Superintendent Director of Public Works

City of Lodi

By Order of the Lodi City Council

Jenniter M. Perrin City Clerk

CITY OF LODI 221 WEST PINE STREET LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

RICHARD LOZANO
PO BOX 824
PALO ALTO CA 94302-824

Dear Property Owner:

RE: 610 SOUTH WASHINGTON STEET, LODI PARCEL #047-210-26

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

ated this 3rd day of Saptember, 1993

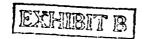
Jack L. Ronsko

Street Superintendent Director of Public Works

City of Lodi

By Order of the Lodi City Council

Jennifer M. Perrin City Clerk



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191 1-79.0	E DARRELL & JR WOLTKAMP 25821 N JACKTONE RD GALT CA 9563.	A.P.N.: 049-190-27 66 COMMERCE STREET
196 1-87.0	FWS CONSTRUCTION PTP PO BOX 588 LOCKEFORD CA 95237	A.P.N.: 049-190-35 89 GUILD AVENUE
327 2-4.0	KICHARD LOZANO PO BOX 824 PALO ALTO CA 94302-824	A.P.N.: 047-210-26 610 S WASHINGTON ST

DECLARATION OF POSTING

On September 20, 1993, in the City of Lodi, San Joaquin County, California, I, Mark Chamberlain, Engineering Technician Supervisor of the City of Lodi, served a copy of the attached notice by posting a copy upon the premises at the alley north of East Lodi Avenue, from Cherokee Lane to 28J feet west of Cherokee Lane, Lodi, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 1993, at Lodi, California.

Mark Chamberlain Engineering Technician Supervisor

Mark dell=

/1m

cc: City Clerk-

NOTICE OF VACATION

) TOT-EE 'ON MOLITORIES

150 MEET AREAL ON CHEMORIE THAN 10 ANCHIE HE HILENILICE ON ENEL TODI VARMOR' ENOM CHEMORIE THAN 10 DECENTRE HE INLEMENTOR ON LHE TODI CLIL CORMICIT

BE IL SEZCEAMD PY the Lodd Citry Council as follows:

Secricular, It is the intension of the Lodi Cicy Council, acting in accordance with the provisions of Parc 3 of Olymsion 9 of the Screece and Highways Code of the State of California, to vacace, close, sand shandon as a public alley for the following alley situated in the Cicy of Lodi, Councy of San Josquin, State of California, more particularly of Lodi, Councy of San Josquin, State of California, more particularly described as follows:

The alley located north of 225 South Cherokee Lame, as shown on Exhibit A attached bereto.

Reserving, bowever, and excepting from the vacacton of said alley, the permenent essenant and the right therein to construct, maintain, repair and operate lines for public utilities, both publicity and privately owned, in, over, and across said alley.

Section 1. This sector is hereby referred to the Lodi Planning .

Secrical 1. SOUTICE IS HENERS GIVEN CLAC this CLCY Council does bereby Cix Neurostat, OCTIONS 8, 1993 at the hour of 7:00 p.m. in the CLCY Council Cambers, Camegia Forum, Carnegia Forum; 305 Neet Fine CLCY Council California as the time and place when and where all persons incurrenced in or objecting to the vacation herein proposed may appear before this CLCY Council and be heard.

Secritor 4. Opon adopts n of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and place set forth berein for public hearing, in accordance with and in the time, form and menner as prescribed by law for the vacation of streets.

Secrion 1. This resolution shall be published one time in the "Lodi Neve Sentinel", a neversept of general circulation printed and published in the Circ of Lodi, said publication to be completed at least tifteen days prior to said hearing.

A THE PROPERTY OF THE PROPERTY

Dated: September L. 1993

SEC. KIXI/ TOLE 62MR

RESOLUTION NO. 93-16.

DECLARING THE INTENTION OF THE LODI CITY COUNCIL TO VACATE AN LLEY NORTH OF EAST LOLI AVENUE, FROM CHEROKEE LANE TO 280 FEET WEST OF CHEROKEE LANE

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 3 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located north of 225 South Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said all y, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

<u>Section 2.</u> This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chumbers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where a persons interested in or objecting to the vacation herein propose may appear before this City Council and be heard.

Sectim 4. Upon adoption of this resolution, the Superimendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentine", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to Said hearing.

Dated:	September	1.	1993
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Resolution No. 3-107 September 1, 1993 Page Two

I hereby certify that Resolution No. 93-107 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider

and Pennino (Mayor)

Nos: Council Members - None

Absent: Council Members - None

emifer M Perrin

Ciry Clerk

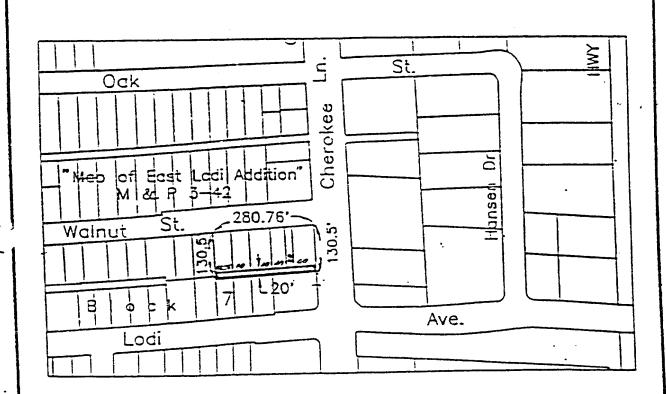


CITY OF LODI

PUBLIC WORKS DEPARTMENT

ENTERIOR AND

ALLEY ABANDONMENT



N.T.S.

DECLARATION OF POSTING

On September 20, 1993, in the City of Lodi, San Joaquin County, California, I, Mark Chamberlain, Engineering Technician Supervisor of the City of Lodi, served a copy of the attached notice by posting a copy upon the premises at the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 1993, at Lodi, California.

Mark Chamberlain

Engineering Jechnician Supervisor

/1m

cc: City Clerk

OTICE OF VACATION

2250LUTICS #0. 93-108

DECLARING THE INTESTICS OF THE LODI CITY COUNCIL TO VACATE AN ALLEY VEST OF VASHINGTON STREET, FROM EAST VINE STREET TO 150.1 FEET SCRIE OF EAST VINE STREET

BE IT RESOLVED by the Lodi City Council as follows:

Section i. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 1 of Division 9 of the Streets and Highwaye Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Josquin, State of California, sore particularly described as follows:

The alley located WEST OF 245 East Vine Street, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right thersin to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 1. NOTICE IS REFERY GIVEN that this City Council does hereby fix WEDGESDAT, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Fine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Open adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and sammer as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

TREET

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RES93108/TXTX.02J

Resolution No. .3-108 September 1, 1993 Page Two

I hereby certify that Resolution No. 93-108 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider

and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Tennifer A. Perrin

City Clerk

ALLEY ABANDONMENT

Southwest corner of Lot 16 of <u>Lilke</u> Subdivision

-TRUE POINT OF BEGINNING

CITY OF LODI



PUBLIC WORKS DEPARTMENT

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RESOLUTION NO. 93-118

RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH ABATEMENT PEFORE THE CITY COUNCIL OF THE CITY OF LODI IN THE MATTER OF WEED ABATEMENT PROCEEDINGS

Overruling Objections and Determining to Proceed with Abatement

RESOLUTION NO. 93-118

The City Council adopted Resolution No. 93-109 on September 1, 1993, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on September 15, 1993 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

- (1) On September 1, 1993, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the city and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city, all as more particularly described in Resolution No. 93-109, a Jopted September 1, 1993.
- (2) The Council fixed September 15, 1993 at the hour of 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law cause copies of the notice to be conspicuously posted on or in front of the property where the nuisance exists; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 93-109 in the time, form and manner prescribed by law.
- (3) The City Council did hold a public hearing on September 15, 1993, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on September 15, 1993.

- (4) The Superintendent is ordered to abate the nuisance declared by Rescription No. 93-109 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.
- (5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code section 39574.

Adopted by the City Council of the City of Lodi on September 15, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock,

Snider, and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Attest:

RES93118/TXTA.02J

Page No. 1 09/08/93

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